

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

January 10, 2013

Vice Chairman B. Larson called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Larson, L. Spataro, L. Mikesell, B. Mazade, J. Doyle, S. Gawron
W. Parker

MEMBERS ABSENT: T. Michalski, B. Smith

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: B. Hammersley, Muskegon County Administrator; J. Mrak, RQAW
Consultants, Indianapolis IN; J. Escamilla, Byce & Associates, Kalamazoo MI; B. Webster, Byce & Associates; C. Strandberg, 974 Pine;
R. Dahlquist, 961 Spring; J. Eldenbrady, 1336 Spring St; T. DePung, 990 Pine St; T. Carmichael, 860 Pine St; N. Hennard, District Court
Administrator; C. Steffens, 2218 McCracken

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of December 13, 2012 be approved, was made by J. Doyle, supported by S. Gawron and unanimously approved.

B. Mazade arrived at 4:04 p.m.

PUBLIC HEARINGS

Hearing, Case 2013-01: Request to vacate the portion of Pine St between Walton Ave and Myrtle Ave, by the County of Muskegon. M. Franzak presented the staff report. The County of Muskegon has applied to vacate a portion of Pine Street so that they can expand the county jail facility. The addition would be built over the existing street and onto the parking lot to the east. This review is only for the vacation of the portion of the street, not a site plan review for the new facility. If approved, the County would need to amend the plat to eliminate the street. Walton and Myrtle Avenues would remain open through Pine Street and would not be affected. Traffic patterns would be disrupted on Pine Street north of Apple Avenue. This area is an extension of the downtown business district and there are 24 business suites on Pine Street between Apple Avenue and Western Avenue. These include businesses such as auto parts, hardware, flooring, glass, uniforms, photography, gas station, tavern, fast food, insurance and other office spaces. There are also three significant vacant buildings that are for sale: the former antiques mall, Al Perri and Manpower. Notices were sent to adjacent property owners. Staff received letters opposing the street vacation from B. Young, 1468 Terrace St., J. Witt from Witt Buick, W. Sampson, 1527 6th St, and Downtown Muskegon Now. The Engineering Department has recommended against vacating the street due to lack of information provided to address the resulting geometric alignment of the remaining sections, as well as how the existing utilities will be addressed. The Transportation Section (4-19) of the 1997 Master Land Use Plan recommends that access control should be implemented on Apple, Henry, Getty and Sherman. Staff recommends against the vacation of the

portion of Pine Street because it will not preserve the flow of the traffic on the surrounding road system, per Section 4-19 of the Master Land Use Plan.

B. Larson asked if there had been any dialog between the County and City over the proposed street vacation. B. Mazade stated that there had been some discussion, but that the Planning Department and Manager's Office had not been intimately involved in the planning of the new jail facility. B. Larson asked J. Schrier if the County could take the road through eminent domain. J. Schrier stated that he didn't think so, in this situation. J. Mrak stated that his firm began a feasibility study for the jail last spring, and explained the process to date. He provided renderings of the proposed new jail site, stating that the plan was for the jail to be placed over Pine Street and partially on either side of the street. He stated that advantages of this plan were that it would provide room for further expansion when needed, it would provide a contiguous governmental campus, it would improve the safety and security of jail staff and inmates, and construction costs would be reduced, compared to other options. L. Spataro asked about the possibility of placing a tunnel beneath the street. J. Mrak stated that underground utilities would be a costly issue. L. Spataro stated they would still be paying to move them if the street were vacated. J. Mrak stated that the work would be more extensive and costly if they were to build a tunnel. L. Spataro questioned the importance of a contiguous campus, noting that many County departments had already moved out of the County Building, and out of the downtown area. He stated that, as a City Commissioner and a Planning Commissioner, he was obligated to look out for the tax-paying businesses and residents. He stated that the Pine Street vacation option had not come up earlier in the process, during the public charettes. J. Mrak stated that they were originally considering using Walton Avenue, and the Pine Street option didn't come up until later. He stated that the Pine Street option was discussed at other meetings that were open to the public. He stated that there would be higher operational costs to the County if the jail were at a remote location. J. Doyle stated that he understood the reasons stated, but preferred looking at other options. He suggested the existing County building parking lot, or possibly an overhead walkway above the street. J. Mrak stated that it was not good security practice to build an elevated jail and allow the public movement underneath it. He stated that the parking lot idea would make access to the building more difficult, and that other options would cause an increase in operational costs and staffing needs. B. Mazade asked what the cost difference would be, between an elevated walkway and the current proposal, including the cost of rerouting utilities. J. Mrak stated that the cost would be just under one million dollars, but the larger concern was security. He stated that the more floors and elevators a jail facility had, the more security concerns there would be. L. Mikesell asked what the total cost of the jail project was. J. Mrak stated that it was around 24 million dollars. B. Mazade asked if there had been any traffic or impact studies done regarding the proposed street closure. J. Mrak stated there had not been. B. Larson stated that he was in favor of the jail being downtown, but was not satisfied with this proposal. He stated that he would like more information.

C. Strandberg owned a business at Pine and Myrtle. He was opposed to the street vacation, and stated that it would close his business, as his large delivery trailers needed to use Pine Street. B. Mazade asked if he had any previous discussion with the County regarding the problem. He stated that he had not; the letter he got from the City was his first contact about the plan. R. Dahlquist owned Benson Drugs and was opposed to the request. He stated that he was in favor of a new jail, but not the closing of Pine Street, as he felt that would hurt the downtown. He asked about court proceedings done via video, rather than in person. J. Eldenbrady agreed that a new jail was needed downtown, but was opposed to the closing of a portion of Pine Street. He stated there was a lot of property available in the area, and many other viable options. He stated that closing off that section of Pine St. would cut off neighborhoods to the south and disrupt traffic flow. T. DePung owned a bail bond business in the affected area, and stated that he was in favor of a new jail downtown, no

matter how it was accomplished. He stated that the proposed vacation may or may not affect his business. T. Carmichael owned Baker Auto at 860 Pine. He was opposed to the request, stating that the vacation of this block would negatively affect his business. L. Spataro stated that his building was recently renovated and asked how much was spent on the improvements. T. Carmichael stated he was not sure, as he was a tenant of the building. N. Hennard, District Court Administrator, addressed the comment about video court proceedings. She stated that so far, the Supreme Court had only allowed arraignments done via video. Other proceedings required that the defendant be in the courtroom. C. Steffens didn't think that enough information had been supplied about the proposal, and stated that the public should have a say.

A motion to close the public hearing was made by B. Mazade, supported by L. Spataro and unanimously approved.

A motion that the vacation of Pine Street from Myrtle Avenue to Walton Avenue be recommended to City Commission for denial, was made by L. Spataro and supported by S. Gawron, with discussion continuing on the motion.

L. Spataro stated that he was in favor of a new jail, but not at the expense of a healthy, vibrant downtown. He stated that it was important to preserve the livelihood of the area business-owners and taxpayers. He had heard from several residents and businesspeople opposed to vacating part of the street, but had not heard any comments in support of the request. He stated that portions of several downtown streets had already been closed, cutting off too much access to the downtown. He stated that it was important to keep the street grid open. He expressed a desire to meet with County representatives and have a discussion on how to meet the needs of the City, County, residents, and business owners. S. Gawron stated that closing streets was bad urban planning, and would negatively affect businesses, neighborhoods, and future economic development. He was in favor of having the jail downtown, but was opposed to the closure of a downtown street. B. Larson was disappointed that there had been no traffic study done, and believed there were better options than closing a downtown street. B. Mazade stated that it was important to have the jail remain downtown; however, he had concerns about the closure of Pine Street, especially after hearing the comments brought forth at this meeting. He stated that he would like to look at the issue further and engage in more dialog with County officials to achieve what was best for all involved.

A motion to table the request to vacate Pine Street from Myrtle Avenue to Walton Avenue, to allow City staff the opportunity to meet with County officials to come up with a mutually acceptable plan, with the condition that the case be brought back before the Planning Commission no later than the March 2013 meeting, was made by B. Mazade, supported by J. Doyle and unanimously approved.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 4:53 p.m.